



SEP 09 2024

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

BY DEPUTY

Hon. Jamal Whithead

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Kurt A. Benshoof,
Plaintiff,

v.

David S. Keenan
Defendant.

No. 2:24-cv-00382-JNW

NOTICE AND MOTION
FOR STAY

I. INTRODUCTION

Plaintiff Kurt A. Benshoof ("Benshoof") gives notice to the Court and all parties that, due to the ongoing malfeasance, misfeasance, and nonfeasance by King County and City of Seattle police, prosecutors, and judges, Benshoof

is unable to write and file documents in this case and moves for an indefinite stay until such time as King County and City of Seattle officials cease violating Benshoof's due process rights and his liberty rights.

II. STATEMENT OF FACTS

1. The computers and phone used by Benshoof to litigate this case were seized by Seattle Police Department ("SPD") Detective Ryan G. Ellis on July 3, 2024, with a general warrant.
2. The CM/ECF and gmail passwords used by Benshoof are located on the computers seized, and currently held, by Seattle Police.
3. The computers and phone contain

evidence and documents required to litigate this case, yet Benshoof does not have access to his own personal papers and effects now, and

4. Benshoof is currently being unlawfully imprisoned at the Maleng Regional Justice Center in Kent, Washington.

5. King County refuses to provide Benshoof with sufficient envelopes and postage to mail motions and responses.

6. In addition to eight malicious prosecutions by City of Seattle, and four charges by King County, Benshoof is litigating fifteen other cases in state and federal courts, including a petition for writ of habeas corpus that Judge Jamal N. Whitehead has refused to adjudicate for the last month. See WAWD No. 2:24-CV-01110-JNW-SKV.

7. On September 3, 2024, the director of the Pro Se department at the Maleng Regional Justice Center ("MRJC") declared to Benshoof that five (5) manilla envelopes is the "reasonable" amount to allow Benshoof to purchase per week—at MAXIMUM—despite the fact inmates are restricted to twelve (12) pages per manilla envelope.

8. Benshoof has sought reasonable accommodations under the ADA for the previous two months for his bi-lateral carpal tunnel syndrome. To date, despite Seattle Municipal Court Judge Andrea Chin issuing an order requiring King County officials to provide Benshoof with a typewriter or a computerized word processor and printer, King County officials

have refused to provide Benshoof basic accommodations.

9. Because SPD seized Benshoof computers and phone, Benshoof does not have Defendant David S. Keenan's address to effect service of process to individual Defendant David S. Keenan.

III. ARGUMENT AND AUTHORITY

Attorney Ann Summers presents a clear conflict of interest. Ms. Summers has already been exposed misappropriating public funds for the individual defense of private citizens. See WAWD No. 2: 24-cv-00343-TL. Now, Ms. Summers is attempting to do the same for David S. Keenan in his personal capacity. Without authority under King County

Code 2.21.050(B)(1), Ms. Summers is violating RCW 42.20.070, a class B felony, by appropriating public resources to the individual capacity defense of David S. Keenan.

This misconduct by Ms. Summers is also prejudicial to Benshoof, and "[c]onflicts impermissibly imperil [Benshoof's] right to a fair trial,"

Cuyler v. Sullivan, 446 U.S. 355 (1980)

As an officer of the court, Ms. Summers' illegal allocation of public resources to defend the personal capacity of David Keenan against Benshoof's claims is a violation of the Equal Protection Clause of the Fourteenth Amendment. The state, and political subdivisions of the state such as King County, are prohibited from

taking sides in a civil dispute between private individuals,

While King County continues to deny Benshoof office materials and equipment with which to write briefs, King County is simultaneously funding the legal defense of individual David S. Keenan through the work of Ms. Summers and her paralegal.

Despite Benshoof having been diagnosed with carpal tunnel syndrome, and despite Seattle Municipal Court Judge Andrea Chin granting Benshoof a court order requiring that King County officials provide Benshoof with a typewriter or computerized word processor and printer, King County officials continue to violate Benshoof's fundamental due process right - access to the courts.

"When the State police, the State prosecutors, and the State courts unite to" use public funds to violate Benshoof's due process rights — while funding the individual defendant's legal defense — "the State violates the Fourteenth Amendment," Bell v. State of Maryland, 378 U.S. 226, 259 (1964)

For the foregoing reasons, Benshoof requests an indefinite stay until King County provides Benshoof the essential material and equipment to litigate this case.

Sworn under penalty of perjury
this fifth day of September 2024 in
Kent, Washington.

Kurt A. Benshoof

Kurt A. Benshoof



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BY

382-JNW

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